

ENTERED

April 15, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DEUTSCHE BANK NATIONAL TRUST §
COMPANY, AS TRUSTEE FOR §
AMERIQUEST MORTGAGE SECURITIES §
INC., ASSET-BACKED PASS-THROUGH §
CERTIFICATES, SERIES 2004-R10, §**

Plaintiff,

v.

**SAIHAT CORPORATION AND §
FAIRMONT PARK EAST §
HOMEOWNERS' ASSOCIATION, §**

Defendants. §

Civil Action No. 4:19-cv-00825

**AGREED JUDGMENT OF DEUTSCHE BANK, AS TRUSTEE
AND FAIRMONT PARK EAST HOMEOWNERS' ASSOCIATION**

CAME ON TO BE CONSIDERED this day, the *Motion for Entry of Agreed judgment* (the "Motion") of Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2004-R10 ("Deutsche Bank") and Defendant Fairmont Park East Homeowners' Association (the "HOA" and together with Deutsche Bank as the "Parties").

After consideration of the Motion and the agreement of the Parties reflected therein, the Court enters an order as follows:

IT IS ORDERED, ADJUDGED and DECREED that the Motion is granted in its entirety.

It is further,

ORDERED, ADJUDGED AND DECREED that in light of neither Deutsche Bank nor its predecessors in interest being named in the HOA's judicial foreclosure lawsuit styled *Fairmont Park East Homeowners' Association v. Martha Daniel*, filed in the 157th Judicial District Court of

Harris County, Texas under Cause No. 201702032 (the "HOA Foreclosure Suit"), the Final Judgment in the HOA Foreclosure Suit was not binding on Deutsche Bank's Home Equity Deed of Trust Harris County, Texas interest recorded in the real property records of Harris County, Texas as instrument number X852415 (the "Deed of Trust") in the real property and improvements commonly known 10823 Collingswood Drive, La Porte, Texas 77571 and being further described as follows:

LOT TWELVE (12) IN BLOCK SEVENTEEN (17) OF FAIRMONT PARK EAST, SECTION TWO (2) A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 319, PAGE 53 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. ("the Property")

It is further,

ORDERED, ADJUDGED AND DECREED that Deutsche Bank's Deed of Trust, being a refinance of purchase money liens interests on the Property, is superior to the HOA assessment lien in the Property. It is further,

ORDERED, ADJUDGED AND DECREED that the HOA's foreclosure sale, reflected in that certain Deed Under Execution and Order of Sale recorded in the real property records of Harris County, Texas as instrument number RP-2018-212888, being a foreclosure on an inferior lien interest to the Deutsche Bank's Deed of Trust had no effect on it.

ORDERED, ADJUDGED AND DECREED that Deutsche Bank's claims against the HOA are dismissed without prejudice.

Signed this 15th day of April 2019.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND ENTRY REQUESTED:

/s/ Philip W. Danaher

Philip W. Danaher
Texas Bar No. 24078395
Mackie Wolf Zientz & Mann, PC
14160 North Dallas Parkway, Suite 900
Dallas, TX 75254
Phone: (214) 635-2650
Fax: (214) 635-2686
Attorneys for Plaintiff

/s/ Matthew Walker

Matthew D. Walker
State Bar No. 24075762
Litchfield Cavo, LLP
One Riverway, Suite 1000
Houston, Texas 77056
Telephone: 713/418-2000
Facsimile: 713/418-2001
Attorneys for Fairmont Park East Homeowners' Association